

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TONY KHOURY, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FXCM INC., DROR NIV, and ROBERT  
LANDE,

Defendants.

Case No. 1:17-cv-00916-RA

YING ZHAO, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

FXCM INC., DROR NIV, and ROBERT  
LANDE,

Defendants.

Case No. 1:17-cv-00955-RA

DAVID BLINN, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

FXCM INC., DROR NIV, and ROBERT  
LANDE,

Defendants.

Case No. 1:17-cv-01028-RA

*[Caption Continued on Next Page]*

683 CAPITAL PARTNERS, L.P.,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

GLOBAL BROKERAGE, INC. f/k/a FXCM  
INC., DROR NIV, and ROBERT LANDE,

Defendants.

Case No. 1:17-cv-02506-RA

**NOTICE OF NON-OPPOSITION BY THOMAS KELLY TO COMPETING MOTION  
FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

On April 10, 2017 pursuant to Section 21D of the Securities Exchange Act of 1934, 15 U.S.C. §78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), purported class member Thomas Kelly (“Movant”) filed a motion for, *inter alia*, appointment as lead plaintiff in connection with the above-captioned securities fraud class actions. Seven similar motions were filed by other putative class members in this action.

The PSLRA provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group of persons that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. §78u-4(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers, it appears that movants 683 Capital Partners, LP and Shipco Transport Inc. possess the “largest financial interest in the relief sought by the class.” In addition, 683 Capital Partners, LP and Shipco Transport Inc. appear to preliminarily satisfy the typicality and adequacy requirements of Rule 23 of the Federal Rules of Civil Procedure. *See* 15 U.S.C. §78u-4(a)(3)(B). Accordingly, Movant does not oppose the appointment of 683 Capital Partners, LP and Shipco Transport Inc. as Co-Lead Plaintiffs, or the approval of their selection of The Rosen Law Firm, P.A. as Lead Counsel for the Class. If this Court determines, however, that the lead plaintiff movants with larger losses than Movant are incapable or inadequate to represent the class, Movant continues to be willing and able to serve as lead plaintiff or as a class representative.

By this Notice of Non-Opposition, Movant does not waive his rights to participate and recover as a class member in this litigation, and he remains ready, willing and able to serve as lead plaintiff if the need arises.

Respectfully submitted,

DATED: April 24, 2017

**GLANCY PRONGAY & MURRAY LLP**

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*Counsel for Movant Thomas Kelly*

**PROOF OF SERVICE BY ELECTRONIC POSTING PURSUANT TO SOUTHERN  
DISTRICT OF NEW YORK ECF AND LOCAL RULES AND BY MAIL  
ON ALL KNOWN NON-REGISTERED PARTIES**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On April 24, 2017, I served true and correct copies of **NOTICE OF NON-  
OPPOSITION BY THOMAS KELLY TO COMPETING MOTION FOR  
CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF  
AND APPROVAL OF LEAD COUNSEL**, by posting the document electronically to the ECF  
website of the United States District Court for the Southern District of New York, for receipt  
electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the  
foregoing is true and correct. Executed on April 24, 2017 at Los Angeles, California.

*s/ Lesley F. Portnoy*  
Lesley F. Portnoy

## Mailing Information for a Case 1:17-cv-00916-RA Khoury et al v. FXCM Inc. et al

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)